

DRAFT ECA CODE PUBLIC REVIEW:

PUBLIC COMMENT SUMMARY & RESPONSE

Issue	Comment From	Response
Riparian Corridors (Creeks and Small Lakes)		<i>Abbreviation Key Is At End of Report</i>
Proposed buffers for Type 2-5 waters are inadequate in size, not in keeping with BAS.	LCC/ FW/TCA/ PFPS/TCLDF/ Dolan	<p>Riparian Corridor Protection The current proposal provides protection to riparian corridors in a reasonable and balanced manner so no changes recommended.</p> <p>Daylighting Change to allow the daylighting incentives to apply to all creeks in Seattle. Keep incentives for property owners to daylight potential creek reaches. Protect habitat that exists in pipes or culverts, but do not limit development over pipes or culverts unless the development will harm existing ecological function.</p> <p>Pesticide and Fertilizer Use Add a general development standard, covering all critical areas, to not allow the use of pesticides and fertilizers deemed hazardous within the critical area unless the Director determines there is a necessary public purpose, a threat to public health that needs to be mitigated through the use of pesticides or due to an overriding environmental consideration.</p> <p>Lack of staff assistance Acknowledge that staffing is an issue, but the City does have active programs to assist in restoration efforts.</p> <p>Stream Typing The City is currently conducting a stream typing study for all streams in Seattle.</p>
Limited development area regulations too restrictive.	Vanvik/ Rand (per conversation)	
Limited development area regulations not restrictive enough.	LCC/ TCA/Dolan	
Creek daylighting incentives should apply to all creeks.	TCA/PFPS/ YES/TCLDF/ Dolan	
Daylighting language that limits new construction over piped or culverted streams should not be eliminated.	TCA/TCLDF/ YES/ Dolan	
Limit use of pesticides and fertilizers in proximity to streams.	LCC/ WAT/ PFPS/ YES/TCLDF	
Lack of staff assistance and regulatory incentives to help citizen restore riparian areas.	TCA	

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City should work to type all streams for public information.	HHH	
Shorelines (Rivers, Marine Waters and Large Lakes)		
The proposed ECA shoreline regulations are duplicative of the Shoreline Master Program and it is not essential that they be added in order to meet the GMA requirements.	Port	<p style="text-align: center;">See Proposed Response In Separate Memo (Draft ECA Code Public Review: Shoreline Issues)</p>
The GMA requirements for ECA's is that the development standards for fish and wildlife habitat conservation areas apply only to development activity that occurs within those areas, or that increases impacts to those areas (i.e. the water).	Port	
Shoreline district fish and wildlife habitat conservation area standards should be strengthened. Lack of adequate protection including buffers for river, lakes and marine shorelines.	LCC/FW/ PFPS/TCA/HHH/ TCLDF/ Dolan	
Lack of eel grass bed protection a concern.	HHH/Law	

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Wetlands		
The proposed wetland buffers are adequate in the current ECA code and should not be increased.	Realtors	<p>Regulated Wetland Size All wetlands regardless of size that are within 100 feet, measured horizontally from the Ordinary High Water Mark of a stream or waterbody or part of a larger wetland system are recommended to be regulated. For all other wetlands recommend maintaining the 100 square foot minimum size.</p> <p>Category I/ II Increase the proposed buffer from 100 foot to 110 foot buffer for moderate habitat value (20-28 points) wetlands.</p> <p>Increase the proposed buffer from 125 to 200 feet for high habitat function (score 29-36) wetlands.</p> <p>Category III Include moderate habitat wetlands (20-28 points), along with higher habitat function wetlands, where an increase to 85 feet is possible. Keep 60 feet buffer for other category III wetlands.</p> <p>Category IV Allow Category IV wetlands less than 1000 square feet to be developed, but change proposal to require mitigation and clarify the definition as follows.</p> <p>Category IV wetlands under one thousand (1,000) square feet in total size that do not meet the following criteria may be impacted by development if lost functions are mitigated for:</p> <ol style="list-style-type: none"> 1. The wetland abuts a Type 1-5 water. 2. The wetland is not part of a larger wetland system.
Regulated size: All wetlands should be regulated.	LCC/FW/ Detweiler/ PFPS	
Inadequate wetland buffer sizes, not in keeping with BAS.	LCC/FW/PFPS	
Lack of mitigation requirement for Cat IV <1,000sf.	LCC/FW/TCA/ AUD/PFPS/ Pye	
Wetland reductions and averaging should be strictly limited.	LCC	
Dewatering should be limited near sensitive wetlands.	PFPS	Currently this is addressed through the permit requirements for temporary dewatering, through the consideration of DPD review staff as a component

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		of their review and through the SEPA process in certain circumstances. The continuing work by DPD/ SPU in the Greenwood area may result in a way to reasonably regulate dewatering and its relationship to critical areas protection.
Supports third party review	Detweiler	Supports the current proposal.
Steep Slope/ Landslide Prone Areas Regulations		
Does not believe that the BAS supports having a disturbance limitation in these areas.	Port	Review and add as necessary additional science to support the proposed provisions protecting steep slopes.
Steep slope variance is onerous.	Port	Maintain existing proposal as it will provides appropriate administrative control of development on steep slopes.
Notification for development in landslide prone areas should not be eliminated.	HHH	No change to proposal recommended as DPD does not believe that this notification will result in meaningful input from the community.

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Tree and Vegetation		
Inadequate enforcement of tree cutting regulations.	Reinhart	Acknowledge that enforcement continues to be an issue.
Concerned that removing the permit requirement and the threshold criteria could undermine protection. Proposed revegetation plan does not adequately address tree and vegetation removal issues.	AUD/ Reinhardt/ Pye	No change proposed. The proposal allows cutting of vegetation in critical areas only for routine pruning and maintenance or when the result will be an improved naturally functioning condition that prevents erosion, protects water quality and/ or provides diverse habitat.
Supports removal of permit requirement for restoration activities.	TCA	Supports current proposal.
Heron Habitat Protection		
Add greater protection to the Kiwanis Ravine through wider buffers.	HHH	Adequate protection provided through the proposal and other mechanisms, including Parks management plan.
Should add provision protecting trees in ROW on land that Parks controls.	HHH	Outside the scope of this ordinance so no change recommended.
Small Project Waiver		
Eliminate provision in order to minimize disturbance.	Bertig/ LCC	Change to require mitigation for impacts as a result of small projects and maintain recommended reduction in exempted area.
Keep provision, but require mitigation for the impact.	TCA	
Do not lower 750 square feet exemption.	Realtors	

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City Projects		
Decrease in DPD administrative control.	Bertig	Acknowledge that the proposal will result in a decrease in DPD administrative control of projects permitted and conducted by other city agencies.
Earthquake and Tsunami Geologic Hazard Area		
City should designate and develop regulations specific to tsunami and earthquake hazards.	Hoglund/ FW	Earthquake hazards are handled through the landslide-prone and liquefaction prone areas development standards as well as the building code. There are no current city plans or policies related to the risk from tsunamis. The city may consider developing such regulations through a separate process.
Violations and Enforcement		
Civil penalties should be increased.	LCC/ AUD/ Detweiler/ Reinhart	Consulting with Law Department to consider whether additional penalties should be recommended.
Liquefaction-Prone Areas		
Liquefaction prone areas should not be subject to the ECA general development standards and application requirements.	Port	Recommend to change accordingly as the building and grading codes ensure safe construction without applying these development standards.

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Purpose of Regulations		
Purpose of regulations should not be to promote safe, stable, compatible development, but rather to preserve and enhance critical areas.	AUD	As is, the purpose statement represents the balance in the proposed code of environmental protection while allowing responsible development.
Link to Comprehensive Plan and Monitoring		
Desire to have more baseline data and to monitor how the ordinance is working to protect critical areas over time. Link ECA more clearly to the ECA Comprehensive Plan goals and identify targets and monitoring indicators.	AUD	Monitoring would require additional staffing and coordination. Could consider linking this to the planned effort to create sustainability indicators.
Link ECA code to the buildable lands report and Comprehensive Plan housing and job targets.	Realtors	There is only a very minor impact to citywide development capacity due to critical areas regulations.
Compensate for Loss of Development Potential		
The City should compensate through up zones for the units and average square footage associated with a loss in development capacity from ECA regulations.	Realtors	The ECA regulations have a very minor impact on development capacity for the city. Most if not all of the full density allowed under zoning is allowed on parcels with ECA's through the clustering or the reasonable use exception provisions.
Abbreviation Key:		
AUD- Audubon Seattle	PFPS- People for Puget Sound	TCLDF- Thornton Creek Legal Defense Fund
FW- Future wise	Port- Port of Seattle	YES- Yes for Seattle
LCC- Livable Communities Coalition	Realtors- Sea-King Association of Realtors	
HHH- Heron Habitat Helpers	TCA- Thornton Creek Alliance	